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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/291,358	04/14/1999	KENJI MASAKI	325772200960	2014

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MORRISON & FOERSTER LLP
2000 PENNSYLVANIA AVE, NW
SUITE 5500
WASHINGTON, DC 20006-1888

EXAMINER	
BHATNAGAR, ANAND P	
ART UNIT	**PAPER NUMBER**
2623	

DATE MAILED: 08/14/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/291,358	Applicant(s) MASAKI, KENJI	
	Examiner Anand Bhatnagar	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06/03/02 paper #7* .

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,2,7,8,9,14, and 15-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,2,7,8,9,14, and 15-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

Response to Arguments

1. Applicant's amendment paper #7 filed on 06/03/02 has been entered and made of record.

2. Claims 1,8, and 15 have been amended. Claims 3-6 and 10-13 have been cancelled. Also 2 new claims have been added (#16 and #17).

3. In essence applicant argues that the present invention discloses a system where a judgement of the quality of the image is made based on the following four criterias sunset scene, color-covered, normal in contrast and normal in sharpness (pg. 6 lines 7-9 in paper #7) and predetermined correction is made depending on the judgement which is not disclosed by Kuwata et al. Examiner agrees with applicant that Kuwata does not disclose these four criterias in order to make a judgement on the quality of an image. However, applicant nowhere in the claim language claims that these four criterias are used to judge the quality of the image and proper correction made. Applicant in the claim language (claim 1,8, and 15) claims that "at least one" of those four criterias are used to judge the quality of the color image. Examiner stands by the original rejection paper # 5 filed Dec. 5, 2001. As for the amended claims (1,8, and 15) and newly added claims (16 and 17) they are addressed below.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1,2,7,8,9,14, and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Kuwata et al. (U.S. patent 6,151,410).

Regarding claims 1 and 8:An image processing method comprising of:

judging whether correction of image data of a color image is necessary based on the quality of at least one of sunset scene, the color image covered with a specific color, contrast, and sharpness of the whole area of the image (fig. 1 element 20, col. 8 lines 42-47, and col. 19 lines 34-40, where the image in the evening "sunset" and contrast are judged by the judging means for the quality of the image); and

performing a predetermined correction processing on the color image based on the judgement of the quality of the image data (col. 2 lines 63-66).

Regarding claim 15: It is rejected for the same reason as claims 1 and 8 above.

As for the limitation of a recording medium (col. 19 lines 48-65)

Regarding claims 2 and 9: Wherein the necessity/nonnecessity of correction is judged based on the whole area of the image data (corresponds to fig. 1 block 10 and col. 7 lines 24-26 where the whole image is inputted for image processing and the whole corrected image is outputted).

Regarding claim 7 and 14:

Wherein the necessity/ nonnecessity of correction is judged based on the items pieced together (corresponds to col. 10 lines 37-40 where the judgement is based on the pieces of color data are put together).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 16 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuwata et al. (U.S. patent 6,151,410) and Inoue (U.S. patent 6,229,580).

Regarding claims 16 and 17: conerting color components R,G,B of the image data into hue data, lightness data, and saturation data,

Wherein the hue data, lightness data and saturation data are used in the judgement of the quality of the image data of the judge section.

Kuwata et al. discloses a quality judging and correction of an image based on criteria such as contrast, whole brightness, image in the evening "sunset", etc. Kuwata et al. does not teach to change the RGB color image data into hue, saturaion, and lightness and use the converted data to judge the quality of the image. Inoue teaches to convert RGB color data into hue, saturation, and lightness data (fig. 3 element 31 and col. 7 lines 43-46) which is used for color correction. It would have been obvious to one skilled in the art to combine the teching of Inoue to that of Kuwata et al. because they are analogous in image correction based on certain criteria. One in the art would have been motivated to incorporate the color conversion system of Inoue and incorporate it into the color judging and correction system of Kuwata et al. to correct patterns of hues of a same color family simultaneously (Inoue; col. 2 lines 65-67).

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Shiraiwa et al. (U.S. patent 6,201,893) for image reproduction method.

Kuwahara (U.S. patent 5,317,420) for image noise removal processing center.

Kawano (U.S. patent 6,256,112) for device to detect color type.

Mizoguchi (U.S. patent 6,272,259) for image correction and flaw detection.

Inoue (U.S. patent 6,229,580) for converting RGB data into hue, saturation, and lightness data.

8. Any inquiry concerning this communication should be directed to Anand Bhatnagar whose telephone number is 703-306-5914, whose supervisor is Amelia Au whose number is 703-308-6604, group receptionist is 703-305-4700, and group fax is 703-872-9314.

AB

Anand Bhatnagar

Art Unit 2623

August 12, 2002